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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10484 (E)

Environmental racism

1. The International Human Rights Law Group seeks to highlight environmental racism in the United States of America.

2. The Law Group welcomes the Commission's existing mechanisms designed to address racism around the world: the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and his annual reports and country missions, and the Commission's annual resolutions on racism, racial discrimination, xenophobia and related intolerance; the Group also welcomes the decision to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than 2001.

3. Environmental racism is a modern form of racial discrimination. Environmental racism refers to any government action, or failure to act, or an action of a private entity that has an environmental impact which disproportionately disadvantages - whether intentionally or unintentionally - individuals, groups or communities based on race or colour. For a disproportionate percentage of racial minorities in the United States, environmental racism imposes costs that are both economic and human: shorter life spans, higher infant mortality rates, higher health care expenses, poor housing, and an overall diminished quality of life.

4. In the United States, federal environmental laws, regulations and policies are enforced, in the first instance, at the state and local levels. State and local enforcement practices have resulted in a clear pattern of environmental racism. Federal environmental protections are applied in a discriminatory fashion - when they are applied at all. For example, white communities generally see faster government action and better results than communities of colour, and violators in white communities suffer stiffer penalties. While certain government agencies have taken steps to address these issues, on the whole the United States environmental protection structure reinforces rather than challenges racial stratification. Moreover, the power of State government is vast; in certain respects, each State is a sovereign entity. Therefore, when patterns of environmental racism are found, it is critical that the appropriate federal remedies be available. Yet neither United States anti-discrimination law nor United States environmental law offers effective remedies for environmental racism.

5. In the United States, approximately 28 per cent of the population consists of non-white racial minorities. Objective research on key environmental problems, including industrial hazardous waste, uranium mining, lead poison and poor air quality, demonstrates a pattern of environmental racism in the United States. Examples of this research are detailed in the following paragraphs.

6. Race is the single most determinative factor in the location of commercial hazardous waste sites, more so than income, home ownership rate and

property values. Three out of five African Americans live in communities with uncontrolled toxic waste sites. Three of the five largest commercial hazardous waste landfills are located in predominantly African American or Latino communities; together, these landfills account for 40 per cent of the country's total estimated landfill capacity. Environmental hazards, such as uranium mining threaten the very survival and culture of Native Americans, while 270,000 Latino migrant workers are poisoned each year by dangerous pesticides.

7. Lead, a chemical used in household paints and banned for use in residential buildings since 1978, affects between three and four million children in the United States - most of whom are African American and Latinos who live in urban areas. Lead poisoning is the number one environmental health threat to children of colour in America. The most recent data show that over 28.4 per cent of low-income black children aged 1 to 5 had blood lead levels above the United States legal standard. African American children are lead poisoned at two to three times the rate of white children.

8. African Americans and Latinos are more likely to live in areas with reduced air quality than are whites. In 1990, 65 per cent of African Americans and 80 per cent of Hispanics lived in 437 counties with substandard air quality. Poor air quality translates into increased public health risks. Asthma has reached epidemic proportions in the United States. Asthma is the number one reason for childhood emergency room visits in most United States cities. The most vulnerable population is low-income African Americans and Latino Americans. African Americans are two to six times more likely to die from asthma than whites. Similarly, the hospitalization rate for African Americans suffering from severe asthma is 3.4 times the rate for whites.

9. In addition, certain geographic segments of the United States have become environmental dumping grounds for the rest of the country's polluting industries. In particular, black communities in the southern region of the United States, Latino communities along the United States-Mexico border, Native American reservations and urban ghettos suffer disproportionately. Two examples are Louisiana's petrochemical corridor, a predominantly African American community along the lower Mississippi River appropriately named "Cancer Alley", and the mineral extraction region on or near Navajo and Hopi reservations in New Mexico and Arizona. In these regions government and private industry take advantage of communities that have been and continue to be politically and economically marginalized.

10. The United States Government has binding international obligations to address environmental racism. Given the wealth and resources of the United States, it is clear that it has not prioritized the elimination of environmental racism. The fact that full realization of rights can only be achieved progressively does not alter the nature of the international obligations of the United States. Therefore, the burden is on the United States to demonstrate that it is making measurable progress towards the elimination of environmental racism and the availability of effective remedies.

11. There is a need for United Nations human rights mechanisms to examine human rights violations in the United States of America that constitute environmental racism. We urge the Commission on Human Rights to consider a joint mission comprised of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights to examine the economic, political and social hardships for people of colour in the United States that are caused by environmental racism.